

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

SONICSOLUTIONS ALGAE CONTROL, LLC,)	C.A. No. 3:21-cv-30068-MGM
SONIC SOLUTIONS, LLC, and)	
ALGAECONTROL.US LLC,)	
)	<u>UNOPPOSED</u> MOTION FOR
Plaintiffs,)	LEAVE TO FILE REPLY IN
v.)	SUPPORT OF PLAINTIFFS'
)	MOTION FOR FURTHER
DIVERSIFIED POWER INTERNATIONAL, LLC,)	AMENDMENT OF
ANTONIO TRIGIANI, and HYDRO)	COMPLAINT
BIOSCIENCE, LLC)	
)	
Defendants.)	

Plaintiffs Sonic Solutions Algae Control, LLC, Sonic Solutions, LLC and AlgaeControl.US LLC (together, "Plaintiffs") move for leave to file a reply in support of its Motion for Further Amendment of Complaint (Dkt. 131).

In the Response in Opposition to Motion for Further Amendment of Complaint filed by Defendants Diversified Power International, LLC, Antonio Trigiani, and Hydro BioScience, LLC, Dkt. 139, Defendants present an unexpected argument that the existence of a deadline to amend pleadings in a previous scheduling order changes the standard for amendment of the pleadings from the "leave freely given" standard of Fed. R. Civ. P. 15(a)(2) to the "good cause" standard of Fed. R. Civ. P. 16(b)(4).

Plaintiffs thus hereby move for leave to file a reply memorandum, not to exceed three pages, to briefly address the following issues explicitly or implicitly raised by Defendant: (1) whether "leave freely given" or "good cause" is the appropriate standard; and (2) the reasons, including the fact that Plaintiffs did not receive information referenced in its Proposed Second Amended Complaint until after the then-operative deadline to amend the pleadings had passed,

Dkt. 132 at 3, and the absence of any undue burden that the petitioned-for further amendment will impose on Defendants, Dkt. 132 at 6, that Plaintiffs have established “good cause,” if that, indeed, is the applicable standard.

While not conceding Plaintiffs’ arguments, Defendants do not oppose Plaintiffs’ request to file a reply.

Respectfully submitted,

PLAINTIFFS,
**SONICSOLUTIONS ALGAE CONTROL, LLC.,
SONIC SOLUTIONS, LLC, and
ALGAECONTROL.US LLC**
By Their Attorneys,

/s/ Lauren C. Ostberg

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Dated: November 3, 2022

RULE 7.1 CERTIFICATION

Pursuant to Local Rule 7.1(a)(2), Plaintiffs’ counsel, hereby certify that we have conferred with Defendants’ counsel on the matters raised in this motion, via a telephone conference on Tuesday, November 1, 2022, and Defendants’ counsel indicated they do not intend to oppose this motion.

/s/ Lauren C. Ostberg

Lauren C. Ostberg

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system on November 3, 2022, will be sent electronically to all registered participants as identified on the Notice of Electronic Filing (“NEF”) and paper copies will be sent to those indicated as non-registered participants on the date of its filing.

/s/ Lauren C. Ostberg
Lauren C. Ostberg

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